Police Reform and Social Responsibility Act 2011

2011 CHAPTER 13

PART 1

POLICE REFORM

CHAPTER 6

POLICE AND CRIME COMMISSIONERS: ELECTIONS AND VACANCIES

Disqualification

65   Disqualification from election or holding office as police and crime commissioner: police grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—

(a)   is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

(b)   is a member of—

(i) the British Transport Police Force;

(ii) the Civil Nuclear Constabulary;

(c)   is a special constable appointed—

(i) under section 27 of the Police Act 1996 for a police area or the City of London police area;

(ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);

(d)   is a member of staff of the chief officer of police of any police force maintained for a police area;

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    (e)   is a member of staff of—

        (i) a police and crime commissioner;

        (ii) the Mayor's Office for Policing and Crime;

    (f)   is the Mayor of London;

    (g)   is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

    (h)   is a member (including a member who is chairman or chief executive), or member of staff, of—

        (i) the British Transport Police Authority;

        (ii) the Civil Nuclear Police Authority;

        (iii) the [**F1**Independent Office for Police Conduct**]**;

        (iv) the Serious Organised Crime Agency;

        F2(v) . . . .

    (i)   holds any employment in an entity which is under the control of—

        (i) a local policing body;

        (ii) any body mentioned in paragraph (h);

        (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;

        (iv) the chief officer of police for any police force mentioned in paragraph (b).

[**F3**(1A) Subsection (1)(e)(i) does not prevent a deputy police and crime commissioner—

    (a)   from being elected as police and crime commissioner at an ordinary election of police and crime commissioners;

    (b)   from being elected at an election held under section 51 to fill a vacancy in the office of police and crime commissioner if, on the day on which the person is nominated as a candidate at the election and at all times between that day and the declaration of the result of the election, the deputy is acting as police and crime commissioner under section 62.**]**

    (2) In this section, "member of staff", in relation to any person ("A"), includes a person ("B") who works for A—

    (a)   under a contract of employment,

    (b)   under a contract for services, or

    (c)   in accordance with arrangements made between B's employer and A;

and for this purpose B works for A if B provides services for A under the direction and control of A.

    (3) In subsection (1)(i), the reference to an entity under the control of a local policing body or other body or a chief officer of police is to be construed in accordance with regulations made by the Secretary of State **F4**....

    (4) In its application in relation to the first election of a police and crime commissioner to be held for a police area, this section applies as if—

    (a)   for paragraphs (d) to (g) of subsection (1) there were substituted—

        "(d)   any member, or member of staff, of a police authority within the meaning of the Police Act 1996 (see section 101 of that Act);", and

    (b)   for paragraph (i)(i) of that subsection there were substituted—

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> "(i) a police authority within the meaning of the Police
> Act 1996."

Textual Amendments

F1 Words in s. 65 substituted (31.1.2017 for specified purposes, 8.1.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 9 para. 73(2)**; S.I. 2017/1249, reg. 2 (with reg. 3)

F2 S. 65(1)(h)(v) omitted (7.10.2013) by Crime and Courts Act 2013 (c. 22), ss. 15, 61(2), **Sch. 8 para. 184**; S.I. 2013/1682, **art. 3(u)(v)**

F3 S. 65(1A) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), **ss. 122(1)**, 183(1), (5)(e) (with s. 122(2)); S.I. 2017/399, reg. 2, Sch. para. 30

F4 Words in s. 65(3) omitted (8.12.2021) by virtue of The Transfer of Functions (Secretary of State for Levelling Up, Housing and Communities) Order 2021 (S.I. 2021/1265), art. 1(2), **Sch. 2 para. 22(4) (b)** (with art. 12)

Modifications etc. (not altering text)

C1 Ss. 64-68: power to apply conferred by 2009 c. 20, **Sch. 5C para. 9(1)** (as inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), s. 25(2), **Sch. 2**)

C2 S. 65 applied (with modifications) (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 1 para. 30**

C3 S. 65 modified (20.12.2023) by The York and North Yorkshire Combined Authority Order 2023 (S.I. 2023/1432), arts. 1(2), 33(2), **Sch. 5 para. 30**

C4 S. 65(3) functions to be exercisable concurrently with the Chancellor of the Duchy of Lancaster (12.8.2015) by The Transfer of Functions (Police and Crime Commissioner Elections) Order 2015 (S.I. 2015/1526), arts. 1(2), **3(1)**(2)(d) (with arts. 3(3), 4)

Commencement Information

I1 S. 65 in force at 25.4.2012 by S.I. 2012/1129, **art. 2(b)**

Changes to legislation:
There are currently no known outstanding effects for the Police Reform and Social
Responsibility Act 2011, Section 65.